

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>DARREN WALTON</b> , on behalf of those similarly situated  Plaintiff,  vs.  <b>GRAMMER INDUSTRIES LLC</b> ,  Defendant.	<b>2:20-CV-12298-TGB-RSW</b>  <b>ORDER GRANTING DEFENDANT’S MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER (ECF NO. 26) AND DENYING WITHOUT PREJUDICE DEFENDANT’S MOTION FOR PARTIAL RECONSIDERATION (ECF NO.25)</b>
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On September 29, 2021, the Court entered an Order (ECF No. 24) granting in part and denying in part Defendant Grammer’s Motion to Dismiss. The Court dismissed all of Plaintiff’s claims except for a claim for unjust enrichment. The Court also ordered Plaintiff to file an Amended Complaint within 45 days if he wished to do so. Grammer now moves for partial reconsideration under E. D. Mich. L.R. 7.1(h), and urges the Court to dismiss Plaintiff’s sole remaining unjust enrichment claim. (ECF No. 25). Grammer also requests that it be excused from filing an Answer to Plaintiff’s unjust enrichment claim until the Court rules on the pending Motion for Partial Reconsideration. (ECF No. 26).

The Court may, upon a showing of good cause, extend the time within which a party must act. Fed. R. Civ. P. 6(b). Grammer argues that an extension would prevent it from having to prepare a responsive pleading to a claim that may be dismissed or amended, would allow the Court to avoid assessing pleadings that may be rendered moot, and would allow Grammer to prepare its Answer with a clear understanding of the litigation landscape. Def's Mot. for Extension, ECF No. 26, PageID.754.

The Court agrees that extending Grammer's time to file an Answer would promote judicial economy and that good cause exists to do so. Because it is possible that Plaintiff may seek to file an amended Complaint that would supersede the original Complaint, it makes little sense to require Defendant to answer the remaining claim from the original Complaint until it is known whether an amended Complaint will be filed. Therefore, the Court will grant Grammer an extension of time to file an Answer. If Plaintiff files an amended Complaint, Grammer may respond, in accordance with the deadlines provided in Fed. R. Civ. P. 12, either by moving to dismiss that amended Complaint or by filing an Answer. If Plaintiff's amended Complaint includes an unjust enrichment claim, Grammer may raise whatever arguments it believes support its Motion for Partial Reconsideration in its motion to dismiss.

If Plaintiff does not amend his Complaint within the time previously set by the Court's September 29, 2021 Order (ECF No. 24), Grammer may re-file its Motion for Partial Reconsideration. Should the motion for reconsideration be denied, Grammer's Answer will be due within 14 days of such a denial.

Accordingly, Grammer's Motion for Enlargement of Time is **GRANTED**. Grammer's Motion for Partial Reconsideration is **DENIED** without prejudice.

**SO ORDERED.**

Dated: October 27, 2021     s/Terrence G. Berg  
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TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE